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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,310	06/21/2000	Carlton Sparrell	FAN-00-010	1600

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EXAMINER

TRAN, THIEN D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/603,310

Applicant(s)

SPARRELL ET AL.

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being participated by Kimura (U.S Patent No. 5,889,767).

Regarding claims 1, 5, 27, Kimura discloses a network communication system, comprising:

a first device having a first data bandwidth requirement, said first device configured to transmit and receive data at different data rates;

a second device having a second data bandwidth requirement, said second device configured to transmit and receive data at different data rates and configured to communicate with said first device; and

a master transceiver configured to manage data communications between said first device and said second device. See col.5 lines 15-45.

Regarding claims 17, 26, Kimura discloses a transceiver, comprising:

a data modulation unit configured to generate a plurality of signals having variable pulse repetition frequencies and different modulation techniques;

a transmitter coupled to said data modulation unit, said transmitter configured to generate a pulse stream according to said data modulation unit;

an antenna coupled to said transmitter, said antenna configured to transmit a plurality of ultra wide band base band signals; and

a receiver configured to detect and demodulate said ultra wide band base band signals. See col.8 lines 1-10.

Regarding claims 2, 8, Kimura discloses that communication between said first device and said second device is configured to perform in a wireless environment. See figure 2.

Regarding claims 3, 9, 23, Kimura discloses that transmitted and received data rates between said first device and said second device varies as a function of noise or reflection. See col.8 lines 30-35.

Regarding claims 4, 10, Kimura discloses that communications between said first device and said second device is configured to operate in an ultra wide band environment. See col.5 lines 25-30.

Regarding claim 6, Kimura discloses that master transceiver is further configured to synchronize communications between said first slave transceiver and said second slave transceiver. See col.1 lines 1-4.

Regarding claims 7, 20, Kimura discloses that a third transceiver in communications with said master transceiver, said third transceiver configured to communicate a plurality of TDMA data packets at different data rates. See col.10 lines 35-45.

Regarding claims 18, 19, 21, 22, Kimura discloses that said data modulation unit comprises a pulse repetition frequency module configured to permit varying pulse repetition frequencies to be transmitted. See col.8 lines 1-10.

Regarding claims 24, 25, Kimura discloses that receiver further comprises a data processing unit coupled to said pulse detection unit, said data processing unit configured to retrieve a plurality of data from said plurality of pulse detection pulses. See col.5 lines 50-65.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gross et al (U.S Patent No. 6,161,138).

Regarding claim 11, Gross discloses master transceiver configured to transmit ultra wide band base band pulses, comprising:

at least one slave transceiver in communication with the master transceiver; and  
a framing control unit housed by said master transceiver, said framing control unit configured to generate and maintain a plurality of TDMA frames, each of said

plurality of TDMA frames having a plurality of slots, each of said plurality of slots having a beat bytes (start of frame slot), said start of frame slot configured to identify each of said plurality of TDMA frames to said at least one slave transceiver. See col.13 lines 28.

Regarding claim 12, Gross discloses that a Medium Access Control protocol in communication with said framing control unit, said Medium Access Control protocol configured to define each of said plurality of TDMA frames. See col.2 lines 15-20.

Regarding claim 13, Gross discloses that communications between said master transceiver and said at least one slave transceiver is configured to provide for isochronous data communications. See col.7 line 28.

Regarding claim 14, Gross discloses that communications between said master transceiver and said at least one slave transceiver is configured to provide for asynchronous data communications. See col.7 line 35.

Regarding claim 15, Gross discloses that start of frame slot generated by said master transceiver further comprises a synchronization slot configured to synchronize communications between said master transceiver and said at least one slave transceiver. See col.6 line 45.

Regarding claim 16, Gross discloses start of frame slot generated by said master transceiver further comprises a timestamp slot which is configured to permit said master transceiver to modify each of said plurality of TDMA frames at a predetermined time interval. See col.11 line 52.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Edwards et al (US Patent No. 6,172,965 B1) discloses duplex transmission scheme.

-Takefman (US Patent No. 5,761,197 B1) discloses communications in distribution network.

-Adachi et al (US Patent No. 5,886,652) discloses pseudo fixed data transmission device and method.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



ALPUS H. HSU  
PRIMARY EXAMINER